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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of) Art Unit: 2673
Yusuhiko TAKEMURA) Examiner: J. Nguyen
Serial No. 09/453,586)
Filed: December 3, 1999)
For: ELECTRO-OPTICAL DEVICE AND)
METHOD OF DRIVING AND)
MANUFACTURING THE SAME)

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with The United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231, on March 5, 2003.

Adele M. Stamper
Adele M. Stamper

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RESPONSE

MAR 17 2003

Honorable Commissioner of Patents
Washington, D.C. 20231

Technology Center 2600

Sir:

The Official Action mailed November 5, 2002 has been received and its contents carefully noted. Filed concurrently herewith is a *Request for One Month Extension of Time* which extends the shortened statutory period for response to March 5, 2003. Accordingly, Applicant respectfully submits that this response is being timely filed.

Applicant notes with appreciation the consideration of the Information Disclosure Statements filed on December 3, 1999; February 29, 2000; October 25, 2000; October 31, 2000; September 7, 2001; November 30, 2001; March 7, 2002, and May 6, 2002. Applicant awaits acknowledgment of the Information Disclosure Statement filed on November 8, 2002.

Claims 1-68 are now pending in the present application, of which claims 1-48 are independent. For the reasons set forth in detail below, all claims are believed to be in condition for allowance and favorable reconsideration is requested.

Paragraph 2 of the Official Action rejects claims 1-68 under the doctrine of obviousness-type double patenting over claims 1-25 of U.S. Patent No. 6,023,308 to Takemura in view of U.S. Patent No. 5,194,974 to Hamada et al. As stated in MPEP § 804, under the heading "Obviousness-Type," in order to form an obviousness-type double patenting rejection, a claim in the present application must define an invention that is merely an obvious variation of an invention claimed in the prior art patent, and the claimed subject matter must not be patentably distinct from the subject matter claimed.

The Applicants respectfully traverse the obviousness-type double patenting rejection because the independent claims of the present invention are patentably distinct from the claims of Takemura in view of Hamada. Specifically, independent claims 1-24 of the present invention recite an operation method comprising a step of applying a voltage from a voltage supply line to a pixel electrode for a period during one frame, wherein the period is determined in accordance with a desired tone of a display. Further, independent claims 25-48 of the present invention recite an operation method comprising a step of applying one or more pulses from a voltage supply line to a pixel electrode during one frame wherein a number of pulses applied to the pixel electrode during one frame is determined in accordance with a desired tone of a display. The Official Action concedes that Takemura does not teach or suggest these features of the present invention (p. 3, Paper No. 19). The Official Action then asserts that Hamada teaches the above referenced features of the present invention.

The Applicant has reviewed Hamada, but could not find such a teaching. Although Hamada refers to a halftone display, Hamada appears to be silent about the specific method of the halftone. In particular, Hamada appears to fail to teach the limitation "during one frame." Since Hamada does not teach the features missing from Takemura, the Applicant respectfully submits that the claims of the present invention are patentably distinct from Takemura, even in view of Hamada. Reconsideration of the obviousness-type double patenting rejection is requested.

Should the Examiner believe that anything further would be desirable to place this application in better condition for allowance, the Examiner is invited to contact Applicant's undersigned attorney at the telephone number listed below.

Respectfully submitted,



Eric J. Robinson
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